

REMARKS

The present Amendment is submitted in response to the Office Action mailed on February 1, 2011.

The Office Action rejects claims 1-7, 12-15, 19, 20 and 24 under 35 USC §112, second paragraph, rejects claims 1 and 24 under §102(b) in view of US Patent No. 5,547,165 to Brehm, et al. (Brehm), rejects claim 2 under §103(a) over Brehm, rejects claim 3 over §103(a) over Brehm in view of US Patent No. 6,896,236 to Wang, et al. (Wang), rejects claims 4-7 under §103(a) over Brehm in view of US Patent No. 4,889,288 to Gaskell (Gaskell), rejects claim 12 under §103(a) over Brehm in view of US Patent No. 6,681,730 to Koneda, et al. (Koneda), rejects claim 13 under §103(a) over Brehm in view of US Patent No. 4,190,076 to Cameron, et al. (Cameron) and rejects claims 19, 20 under §103(a) over Brehm in view of JP 58028079 to Masaji, et al (Masaji).

In response to the rejection under §112, second paragraph, applicants amend independent claim 1 to remove "the damping cylinder forming around a circumference of the damping disk the throttle gap while the damping disk moving inside the damping cylinder."

Independent claim 1, as amended, and claims 2-7, 12-15, 19, 20 and 25 that depend from claim 1, are believed to now fully comply with §112, second paragraph, and applicants respectfully request withdrawal of the rejections, therefore.

To support the art rejections, the Examiner asserts that Brehm's closing body 43 cooperates with a valve seat 41 by at least a valve spring 25 to establish and block a flow connection between a supply channel 40 and a discharge channel 44 and, in a second switching position by reciprocating motion during an actuation of the pulse valve, that hydraulic damping to movement of the closing body by a throttle gap (50b, Fig. 3) occurs in a damped range 51b, that the closing body is connected via a rod 21b with a clamping disk 22b provided in a damping cylinder 51b open on an end face and forming a throttle gap around a circumference of the damping disk while the damping disk is moving inside the damping cylinder, and

wherein the damping disk 22b exits the damping cylinder shortly before the closing body reaches the second switching position (Fig. 3).

Applicants respectfully disagree. Brehm's closing body 43 is not connected via a rod 21b with a damping disk 22b provided in a damping cylinder 51b that is open on an end face, as claimed. While any of cylindrical elements 22, 22a, 22b and/or 22c might be interpreted broadly to be a "damping" disk (described by Brehm as cylinder portions of plungers or rods 21, 21a, 21b, 21c), these cylindrical elements on respective rods 21, 21a, 21b and/or 21c are not provided in a *damping cylinder* open at an end, as claimed. So while coating 51b might be said to surround the disk 22b, Brehm does not teach or suggest a damping cylinder, as claimed, nor a damping cylinder that is open at one end.

It follows that Brehms cannot be said to form a throttle gap around a circumference of a damping disk while the damping disk is moving inside the damping cylinder or that such a damping disk exits the damping cylinder shortly before the closing body reaches a second switching position (Fig. 3).

In order to further prosecution, however, applicants amend claim 1 (as shown above) to more clearly distinguish Brehm and like prior art. That is, independent claim 1 is amended in pertinent part to make clear that the damping disk (54) provided in a damping cylinder (50) that is open on a first end face and, except for a guide opening (58), in which the rod (56) is guided, closed on a second end face being located opposite to the first end face. Such configuration ensures that the damping disk (54) exits the damping cylinder (50) shortly before the closing body reaches the second switching position.

Support for the amendment to independent claim 1 is found in the Specification, at page 5, line 25, through page 6, line 9.

Brehm does not teach or suggest a damping cylinder with an opened first end face and a closed second end face, wherein the second end face includes a guide opening for a rod that connects a closing body with a damping disk.

In view of the fact that independent claim 1 recites at least these limitations, which Brehm does not, Brehm does not anticipate the invention as claimed is not a proper reference under §102 pursuant to the guidelines set forth in the last paragraph of MPEP §2131.

Amended independent claim 1, and claim 24 that depends from claim 1, are therefore patentable under §102(b) over Brehm and applicants respectfully requests withdrawal of the rejections.

With respect to the rejection of claim 2 under §103(a) over Brehm, applicant respectfully asserts that Brehm does not teach or suggest the specific subject matter or feature of claim 2, but even assuming for arguments sake that Brehm does teach the specific claim 2 feature, or that same specific claim 2 feature might be recognizable in Brehm, Brehm still does not teach or suggest each of the features and limitations of amended independent claim 1, from which claim 2 depends, as set forth above in response to the rejection of claim 1 over Brehm under §102(b).

Accordingly, claim 2 is patentable under §103(a) over Brehm and applicants respectfully request withdrawal of the rejection.

To support the rejection of claim 3 under §103(a) over Brehm in view of Wang, applicants respectfully assert that Wang does not overcome the shortcomings of Brehm, as asserted above in response to the rejection of independent claim 1 over Brehm. Hence, claim 3 is patentable over Brehm in view of Wang for at least those reasons, and applicants respectfully request withdrawal of the rejections.

To support the rejection of claims 4-7 under §103(a) over Brehm in view of Gaskell, applicants respectfully assert that Gaskell does not overcome the shortcomings of Brehm, as asserted above in response to the rejection of

independent claim 1 over Brehm. Hence, claims 4-7 are patentable over Brehm in view of Gaskell for at least those reasons, and applicants respectfully request withdrawal of the rejections.

To support the rejection of claim 12 under §103(a) over Brehm in view of Koneda, applicants respectfully assert that Koneda does not overcome the shortcomings of Brehm, as asserted above in response to the rejection of independent claim 1 over Brehm. Hence, claim 12 is patentable over Brehm in view of Koneda for at least those reasons, and applicants respectfully request withdrawal of the rejections.

To support the rejection of claim 13 under §103(a) over Brehm in view of Cameron, applicants respectfully assert that Cameron does not overcome the shortcomings of Brehm, as asserted above in response to the rejection of independent claim 1 over Brehm. Hence, claim 13 is patentable over Brehm in view of Cameron for at least those reasons, and applicants respectfully request withdrawal of the rejections.

To support the rejection of claims 14 and 15 under §103(a) over Brehm in view of Volcov, applicants respectfully assert that Volcov does not overcome the shortcomings of Brehm, as asserted above in response to the rejection of independent claim 1 over Brehm. Hence, claims 14 and 15 are patentable over Brehm in view of Volcov for at least those reasons, and applicants respectfully request withdrawal of the rejections.

To support the rejection of claims 19 and 20 under §103(a) over Brehm in view of Masaji, applicants respectfully assert that Masaji does not overcome the shortcomings of Brehm, as asserted above in response to the rejection of independent claim 1 over Brehm. Hence, claims 19 and 20 are patentable over Brehm in view of Masaji for at least those reasons, and applicants respectfully request withdrawal of the rejections.

Applicant respectfully asserts, therefore, that the application as amended is in condition for allowance. Action to this end is courteously solicited. However, should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application in condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael J. Striker', with a long horizontal flourish extending to the right.

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